

REMARKSThe Action

Claims 1-3 and 5-6, the claims under consideration in the Office Action of December 11, 2002, were finally rejected under 35 USC 102(b) as anticipated by Kourtides et al, USP 5,038,693. The Action notes that Kourtides et al in column 14 lines 33 and 40 disclose a flexible yarn or thread with sufficient flexibility and elasticity depending on temperature. The Action reasons that since the yarn is flexible it displays a degree of elasticity wherein elasticity can be defined as one that expands or contracts. Therefore Kourtides et al disclose a contractible yarn.

Response to Novelty Rejection

Applicant's stitchbonded fabric invention, as currently claimed, requires, *inter alia*, the stitchbonded fabric to have stitching threads that comprise contractible yarn that contracted the material to a length and/or width that is no greater than 90% (preferably 75 to 50%) of the original length and/or width of the material, and said yarn to comprise an elastic filament, a partially oriented synthetic organic polymeric fiber or a textured yarn.

In contrast to the present invention, in the paragraph in column 14 that contained the line cited in the Action, Kourtides et al state that the yarn has sufficient flexibility and elasticity for sewing insulating structures repeatedly exposed to high temperature. Immediately thereafter, Kourtides et al describe and exemplify threads that are suitable for stitching together the insulating blankets of their invention. The threads, listed in the table bridging columns 7 and 8, in, column 8, lines 37-39, Column 23, lines 54 -64, and elsewhere in the patent, include aluminoborosilicate ("NEXTEL" 312), silicon carbide ("NICALON"), "TYRANNO" (an inorganic fiber composed of silicon, titanium, carbon and oxygen), zirconia, silicon nitride, and the like. All of these threads are ceramic threads. Only ceramic sewing threads are disclosed in the patent. As far as I could tell, the word contractible appears nowhere in the patent. Also, Kourtides et al do not disclose any contractible stitching threads having the characteristics of those of the present invention and comprising elastic filaments, partially oriented synthetic organic fibers or textured yarns.

The ceramic fibers of Kourtides et al have sufficient flexibility and elasticity to withstand the stitching operations required for making the insulating blankets, but such fibers are different in kind from the contractile stitching threads required in the present invention. The ceramic fibers of Kourtides et al do not inherently possess contractility as required by Applicants' invention. There is a vast quantitative difference between the ceramic fibers disclosed by Kourtides et al and the contractile fibers of the present invention. As pointed out in the Declaration of expert, Dimitri Peter Zafiroglu, in the first paragraph of the second page of his Declaration, all known ceramic fibers have an elastic strain limit (i.e., break elongation) of less than about 2%. Accordingly, there is no possibility that the ceramic fiber sewing threads of Kourtides et al could perform in the same manner as the contractile sewing threads of the present invention. Applicants clearly define their contractile yarns as exerting sufficient force to contract the stitchbonded fabric to a width and/or length that is 90% or less than (preferably in the range of 75 to 50 percent of) the original width and/or length of the stitchbonded material. This corresponds to minimum stitching thread contractions of at least 10% (preferably at least 25 to 50%). The ceramic fibers of Kourtides et al can stretch (or contract) no more than about 2%. Thus, ,Kourtides et al do not specifically or inherently disclose the essential elements of Applicant's claimed invention.

CONCLUSION

In view of the preceding Amendment, Remarks and expert Declaration, Applicants submit that the current claims fully comply with the novelty requirements of 35 U.S.C. 102(b) and therefore respectfully request that the application be passed to allowance.

The Examiner is hereby authorized to charge any fee that may be required as a result of this communication to Deposit Account No. 500729 (Lawrence Isakoff).

Respectfully submitted,


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